

### **REMARKS**

Claims 1, 3-6, 9-11, 13-15, and 18-24 are currently pending. Claims 1, 3, 5, 6, 9, 11, 13-15, and 18-24 are currently amended.

Support for the claim amendments and new claims can be found throughout the application as originally filed. No new matter is added. In particular, support for the amendments to claims 1, 3, 5, 6, 9, 11, 13-15, and 18-24 can be found at least, for example, in paragraphs [0009] and [0063]-[0065] of the application as published.

### ***Interview Summary***

Applicants thank Examiner Thomas for speaking with Applicants' representative, Brian Landry, on April 6, 2011 (the "Telephonic Interview").

Specifically, Applicants thank Examiner Thomas for his discussion of:

- the location of written description for the rejected claim language in the previous version of independent claims 1, 11, 19, and 20;
- the differences between the claimed invention and the Hunter and Yen references; and
- amendment strategies to more clearly distinguish the claimed invention from the Hunter and Yen references.

### ***Double Patenting***

Claims 1, 3-6, 9-11, 13-15, and 18-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 8, 11, 17 of U.S. Patent Application Serial No. 12/113,637.

It remains unknown what subject matter claimed and disclosed in the either the present or the cited application will be deemed allowable. Therefore, any statement regarding this rejection made on Applicants' part would be premature. Accordingly, Applicants respectfully traverse this rejection, and request that this rejection be held in abeyance until subject matter is deemed allowable in this application.

**35 U.S.C. § 112**

The Office Action rejects claims 1, 11, 19, and 20 under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Specifically, the Office Action alleges that the “not to be used in any one of the games directly” language is not supported in the specification.

As discussed during the Telephonic Interview, Applicants believe that that the “not to be used in any one of the games directly” language is supported throughout the specification as originally filed.<sup>1</sup> However, at the Examiner’s suggestion, Applicants have deleted this language in favor of new claim that more clearly defines the claimed invention.

Accordingly, Applicants respectfully assert that this rejection is moot and respectfully request the withdrawal of the rejection of claims 1, 11, 19, and 20 under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement.

**35 U.S.C. § 103(a)**

The Office Action rejects claims 1, 3-6, 9-11, 13-15, and 18-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,758,746 to Hunter et al. (hereinafter “Hunter”) in view of U.S. Patent No. 5,890,963 to Yen (hereinafter “Yen”). Applicants respectfully traverse this rejection.

Currently amended independent device claims 1, 11, and 19 recite “a converting device for converting play-information indicating the contents of a user's playing in each

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<sup>1</sup> For example:

- paragraph [0063] of the application as published states that “[t]he common points have a value exchangeable for data of game elements giving a change in various kinds of games;”
- paragraph [0064] of the application as published states that “[t]he player can use the common points to purchase various kinds of game element;” and
- paragraph [0065] of the application as published states that common points can be used “to purchase music pieces in the music game or items in the action game.”

Thus, it is clear from the specification that the inventors had “possession” of the concept of points that are not directly used in individual games when the application was filed.

Page 8 of the Office Action quotes “the data may be music data or image [data] directly used in the game” from paragraph [0009] of the application as published to argue that the claimed invention is the opposite of what is disclosed. However, when this passage is read in the context of paragraph [0009], it is clear that the “data” in the quote is the “unique data” obtained for a particular game by converting common points, as opposed to common points utilized directly a particular game.

game [...] into points in accordance with the contents of the play-information, the points having a trading value unified through the games and are tradeable for game elements to be used uniquely in one of the games." (Emphasis added.)

Independent method claim 20 recites "converting play-information indicating the contents of the user playing one of the plurality of games into points, the points having a trading value unified through the games and are tradeable for game elements to be used uniquely in one of the games." (Emphasis added.)

The recited invention allows a player to trade accumulated points to obtain unique data to be used in a game that can be different from the game in which the points were accumulated. For example, a player can accumulate a large amount in a first game in which the user excels and trade the points to obtain unique data (e.g., a special item) for use in a second in which the user is unskilled. Moreover, the player can trade accumulated points to gain special items in a game even if the player has not yet played the game. Examples of various special items are provided page 19, line 23 to page 20, line 14 of the specification as originally filed (§ [0063] as published).

Hunter does not teach or suggest the accumulation of points converted from play-information having a trading value unified through the games and tradeable for game elements to be used uniquely in one of the games.

Instead, Hunter teaches a system in which players purchase subscriptions that are "worth a set number of points that can be used towards purchasing characters." Hunter, col. 9, lines 48-50. Players can purchase additional points to acquire characters for which they lack sufficient points. Id., col. 9, lines 50-53.

Yen also does not teach or suggest the accumulation of points converted from play-information having a trading value unified through the games and tradeable for game elements to be used uniquely in one of the games, and therefore fails to cure the defects of Hunter.

Instead, Yen discloses a game system where money earned in one stock exchange game can be used in another stock exchange game (Yen, col. 7, lines 8-23) and capital or a resource obtained in a Diner game can be used also in a running club game (Id., col. 12,

lines 51-67). However, unlike in the claimed invention, the allegedly transferred resources are used directly in the games, *i.e.*, the money or capital transferred between the games is not tradeable for game elements to be used uniquely in one of the games.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 3-6, 9-11, 13-15, and 18-24 under 35 U.S.C. § 103(a) over Hunter in view of Yen.

### ***Conclusion***

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. If a telephone conversation with Applicants' representatives would be helpful to resolve any further issues and/or expedite further prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number listed below.

***Fee Authorization***

Applicants believe that no fees are due for the submission of this Response other than the fees for a Request for Continued Examination under 37 C.F.R. § 1.17(e) and a one-month extension of time under 37 C.F.R. § 1.17(a)(1). If any fees are required, the Director is authorized to charge any fees associated with this submission to our Deposit Account, No. 04-1105, Reference 86264(308246). Any overpayment should be credited to said Deposit Account.

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Respectfully submitted,

Electronic signature: /Brian R. Landry/  
Peter C. Schechter  
Registration No.: 31,662  
Brian R. Landry  
Registration No.: 62,074  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 239-0100  
Attorneys/Agents For Applicant  
Customer No.: 21874